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OFFICE OF
INSURANCE COMMISSIONER

IN THE MATTER OF

McSWAIN FINANCIAL SERVICES, LLC,
LICENSEE.

ORDER NO. 14-0062

CONSENT ORDER LEVYING A FINE

The Insurance Commissioner of the State of Washington, pursuant to the authority set forth in RCW 48.17.060 and RCW 48.17.530, and having reviewed the official records and files of the Office of the Insurance Commissioner ("OIC"), makes the following:

FINDINGS OF FACT:

1. An OIC employee received a solicitation through the mail from Best Choice Health Plan Finder, which included an invitation to a presentation at the Red Lion Hotel in Olympia. No record of that entity was found in the OIC SIMBA database as a licensed producer or insurer. The website also displayed the official Seal of the State of Washington on the home page, a violation of RCW 43.04.050. It was determined that McSwain Financial Services, LLC, ("McSwain") a licensed producer, is the owner of Best Choice Health Plan Finder ("BCHPF"). However, it had not registered this doing business as name ("DBA") with the OIC.
2. A McSwain representative told the OIC that McSwain had registered its DBAs with the Secretary of State but hadn't been aware of the need to do so with the OIC. She asked what she had to do to rectify the issue. She was directed to RCW 48.17.180 and was referred to Licensing for any questions she might have regarding the process.
3. By December 13, 2013, the registration was complete for four McSwain DBAs.

CONCLUSIONS OF LAW:

1. By failing to register the name, other than its legal name, of an insurance producer in accordance with RCW 19.80 and notify the Commissioner before using the assumed name, McSwain violated RCW 48.17.180.

2. RCW 43.17.560 allows the commissioner to assess a civil penalty of not more than one thousand dollars for each violation of the insurance code.

CONSENT TO ORDER:

McSwain, acknowledging its duty to comply fully with the applicable laws of the State of Washington, consents to the following in consideration of his desire to resolve this matter without further administrative or judicial proceedings. The Insurance Commissioner consents to settle the matter in consideration of the terms set forth below.

1. McSwain consents to the entry of this Order, waives any and all hearing rights, and further administrative or judicial challenges to this Consent Order.
2. By agreement of the parties, the Insurance Commissioner will impose a fine of \$250.00 (Two Hundred Fifty dollars) to be paid within thirty days of the entry of this Order.
3. McSwain understands and agrees that any future failure to comply with the statute that is the subject of this Order constitutes grounds for further penalties, which may be imposed in response to further violations.
4. McSwain's failure to timely pay this fine and to adhere to the conditions shall constitute grounds for revocation of its license as a producer, and shall result in the recovery of the fine through a civil action brought on behalf of the Insurance Commissioner by the Attorney General of the State of Washington.

EXECUTED this 7th day of April, 2014.

McSwain Financial Services, LLC

By: CA McSwain

Printed Name: CHARLES A. McSWAIN

ORDER

Pursuant to the foregoing Findings of Fact, Conclusions of Law, and Consent to Order, the Insurance Commissioner hereby orders as follows:

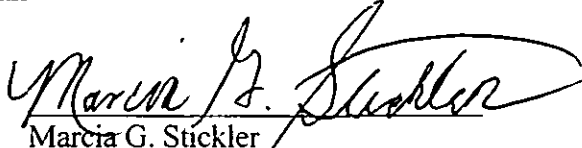
1. McSwain shall pay a fine in the amount of \$250.00 (Two Hundred Fifty Dollars) within thirty (30) days of the entry of this Order.

2. McSwain's failure to comply with the terms of this Order may result in the revocation of its Washington insurance producer's license and in any other enforcement action which may be taken as a result of such further violation.

ENTERED AT TUMWATER, WASHINGTON, this 24th day of April, 2014.

MIKE KREIDLER
Insurance Commissioner

By


Marcia G. Stickler
OIC Staff Attorney
Legal Affairs Division